

## CJA 21 Vouchers for Expert and Other Services

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<b>Background</b>	Whenever counsel require expert or other services during their appointment under the Criminal Justice Act. The Clerk's Office will provide a CJA 21 voucher form to be retained by the expert until completion of the services.
<b>Recordkeeping</b>	<p>The expert must maintain contemporaneous records for all work performed and must attach an itemized statement to the CJA 21 voucher submitted to the court for payment.</p> <p>All payments by the court are subject to audit and must be retained for three years after approval of the final voucher.</p>
<b>Without Prior Approval</b>	<p>Prior authorization <u>should be</u> secured for all services where the cost (exclusive of expenses) will exceed \$300.</p> <p>Failure to obtain prior authorization will result in disallowance of any amount claimed for compensation in excess of \$300, unless the presiding judicial officer, in the interest of justice, finds that a timely procurement of necessary services could not await prior authorization.</p>
<b>With Prior Approval</b>	<p>A request (either by motion or letter) for approval for expert or other services must be filed <u>prior</u> to securing any expert services if the cost (exclusive of expenses) will exceed \$300 and shall include the following information:</p> <ul style="list-style-type: none"><li>• Reason(s) for requested service</li><li>• Name of expert</li><li>• Qualifications of expert</li><li>• Hourly rate (or other billing method)</li><li>• Estimated cost of services</li></ul>

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A request and CJA 21 voucher must be submitted for each expert service.

IF	THEN
A motion is filed without a CJA 21 voucher	The CJA 21 voucher must be completed in accordance with the terms of the motion
Additional authorizations are granted	The appropriate motions/orders must be attached to the voucher

The cost of the services will exceed the initial estimate or the amount authorized by the court	Further authorization for the additional amount must be obtained from the presiding judicial officer <u>prior</u> to the expenditure of any additional amount by the expert
Prior approval of services is not obtained	The court may decline payment of any such claim
The total compensation claimed exceeds the estimate of the CJA voucher	A written explanation must be submitted with the claim

#### **Case Maximums**

See 18 §3006A(d)(2) for an outline of the maximum compensation allowed. The usual maximums allowed at the district court level are:

- Without prior approval                      \$ 300
- With prior approval                              \$ 1,000

If the amount of compensation sought (not including expenses) exceeds the statutory maximum, a written statement in support of the authorization must be included in the request, since excess payment must be approved by the Chief Judge of the First Circuit or his designee.

Failure to obtain prior approval will result in the disallowance of any amount claimed for compensation in excess of \$300, unless the presiding judicial officer in the interest of justice finds that timely procurement of necessary services could not await prior authorization.

#### **Expenses**

Reimbursement will be allowed for actual (not estimated) expenses. Supporting documentation, such as receipts, must be submitted for single item expenses in excess of \$50.

Travel in excess of 200 miles (round trip) or any travel involving an overnight stay related to CJA expert services must be arranged in advance through the Clerk's Office and a written travel authorization must be issued by the presiding judicial officer.

Local travel of less than 5 miles is considered di minimis and is not reimbursed.

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**Mileage Rates**

Mileage rates are as follows:

<b>Dates of Travel</b>	<b>Rate Per Mile</b>
June 7, 1996 - September 7, 1998	\$0.31
September 8, 1998 – March 31, 1999	\$0.325
April 1, 1999 – January 13, 2000	\$0.31
January 14, 2000 – January 21, 2001	\$0.325
January 22, 2001 to January 21, 2002	\$0.345
January 22, 2002 to December 31, 2002	\$0.365
January 1, 2003 to present	\$0.360

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**Claims for  
Services Other  
than Counsel**

All claims for services other than counsel, should include the following:

- A statement outlining the:
    - Type of service
    - Date of service
    - Time expended for the service
  - An explanation of the fee arrangement (i.e. hourly rate, per diem rate, etc.)
  - An itemized statement of all expenses for which reimbursement is claimed
  - Supporting documentation for all expenses of:
    - Lodging
    - Subsistence
    - Expenses in excess of \$50
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**Proration of Claims**

There may be times when proration of claims is appropriate. Whenever appointed counsel submit separate vouchers:

- Time spent in common on more than one indictment or case must be prorated among the indictments or cases on which the time was spent
- Each indictment or case must be cross-referenced on the vouchers
- Time spent exclusively on any one indictment or case may properly be charged on the voucher for that indictment or case.

Following is a table outlining appropriate prorations:

IF	WHETHER OR NOT	THEN	AND UNDER (d)(2) OF CJA
A defendant is charged in one indictment with severable counts	the counts are severed for trial	one voucher would be submitted	one maximum is applied
A defendant is charged in two or more indictments	the indictments are consolidated for trial (other than a superseding indictment or information)	a separate voucher should be submitted	a separate maximum is applied for each indictment
A single counsel is appointed to represent multiple defendants		Separate vouchers should be submitted for each defendant represented	A separate maximum is applied for each defendant

**Ex Parte Applications**

Counsel are not required to serve opposing counsel with *ex parte* applications. *Ex parte* applications for services shall be heard *in camera* and shall not be revealed without the consent of the defendant. See: 18 USC § 3006 A(e)(1); U.S. v. Abreu, 202 F.3d 386 (1<sup>st</sup> Cir. 2000).

The application shall be placed under seal until the final disposition of the case in the trial court, subject to further order of the court.

**Completion of CJA 21 Voucher**

One voucher should be submitted for each expert service.

A line-by-line “Instructions for CJA Form 21” is provided to court-appointed counsel. These instructions should be followed to complete the CJA 21 Voucher completely and accurately.

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**Approval/  
Payment**

Counsel should not pay any expert directly.

Following approval by the court, and upon completion of services by the expert, the CJA 21 voucher is completed by the expert, certified by counsel, and submitted to the court for payment.

Upon receipt by the Clerk's Office of a fully complete and accurate CJA 21 voucher, with appropriate attachments, the vouchers are:

- Reviewed for accuracy and completeness
- Approved at the District Court level
- Approved by the First Circuit Court of Appeals (if necessary)
- Processed and entered into the CJA computer system

Checks are issued to experts by the Administrative Office in Washington, D.C. and will include the docket number and name of the defendant. If the amount of the CJA 21 voucher has been "cut back," the reason for the reduction will be included on the check.

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**Public  
Disclosure**

Congress has mandated that the amounts paid to experts in CJA matters may be disclosed to the public, subject to the consideration of special circumstances.

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**Questions?**

If you have comments or questions, please contact one of the individuals listed below:

Susan Hall, Case Manager  
U.S. District Court  
156 Federal Street  
Portland, Maine 04101  
(207) 780-3356

Brenda DeRoche, Case Manager  
U.S. District Court  
202 Harlow Street  
Bangor, Maine 04401  
(207) 945-0575

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